

IN THE SUPREME COURT OF THE STATE OF ARIZONA

In the Matter of:)	
)	
REGULATING USE OF PHOTO-)	Administrative Order
GRAPHIC AND VIDEO RECORDING)	No. 2019 - <u>126</u>
DEVICES AT A COURTHOUSE AND)	
OTHER COURT FACILITIES BUT)	
NOT AT A COURT PROCEEDING)	
)	

The Chief Justice exercises the Court's administrative supervision over all the courts of the state. Supreme Court Administrative Order No. 2012-22, recognized "the safety of those who participate in the judicial process is essential to serving the citizens and doing justice in all cases." Therefore, the Court must protect the privacy and security interests of people who attend Arizona appellate-court facilities and court-related proceedings at other facilities including parties who have vital liberty and property interests at stake, victims of crimes, and persons required to participate in foster care review board proceedings. Having their image recorded and displayed on the internet while at a court facility or a court-related proceeding at another facility can put these persons in jeopardy, expose them to embarrassment and intimidation, and discourage participation in the judicial process. The Arizona judiciary must secure the trust and confidence of these persons and the general public by maintaining decorum and minimizing distraction and disruption that would be caused by indiscriminate video and photographic recording at court facilities and court-related proceedings at other facilities. Additionally, video of the interior of court facilities, including security officers and devices, displayed on the internet could be used to circumvent court security protocols.

Therefore, pursuant to Article VI, Section 3, of the Arizona Constitution,

IT IS ORDERED, except as provided in this Order, that all types of video recording, photography, including sharing video or live-streaming to social media sites, or other types of broadcasting (hereinafter collectively referred to as "recording") are prohibited at 1501 West Washington, Phoenix, Arizona, at 400 West Congress, Tucson, Arizona in areas dedicated to court use, including use by a Foster Care Review Board (FCRB), and at any other facility during court or FCRB use; including entrances, exits, steps and stairways, patios, hallways and sidewalks, and adjacent parking areas used exclusively for court purposes, unless the person proposing a recording obtains advance written consent of the subjects and permission of the chief justice, chief judge, or designee. This prohibition extends to recording the inside of a court facility through a door or window. This prohibition also extends to court office space wherever it is located. Regulation of video recording and photography at a judicial proceeding is governed by Supreme Court Rule 122 and Rule 122.1(c)-(e).

IT IS FURTHER ORDERED, that a person who seeks to make a recording at a court facility or the location of a court-related proceeding at another facility that is covered by this Order,

other than at a judicial proceeding governed by Rule 122 or Rule 122.1 (c)-(e), must submit a written request to the Administrative Office of the Courts Public Information Officer that provides the name of the requester, the written consent of persons to be recorded, and the proposed recording location, date, time, and manner. To assure timely response, the request should be made at least two business days prior to the proposed recording date. If permission for the proposed activity is denied due to an unacceptable location, date, time, or manner, and some alternative is acceptable, the court will inform the requester of that alternative.

IT IS FURTHER ORDERED that scheduled open sessions of public meetings and court-connected educational and ceremonial events, such as school visits, investitures, and State Bar admission ceremonies may be recorded without advance permission subject to the authority of judges or justices, clerks of the court, chairs of court councils, committees, boards or commissions or court management to limit or require termination of recording that is disruptive to court operations, that compromises court security, or that could reveal confidential or private documents or information.

IT IS FURTHER ORDERED that recording is permitted by the court and by court staff in the performance of official duties.

IT IS FURTHER ORDERED that this Order does not prohibit use of a personal recording device or scanner to copy a case file document that is otherwise available for public inspection and copying. This Order does not apply to the office space at a court facility occupied by non-court agencies.

IT IS FURTHER ORDERED that a law enforcement officer with a body-worn camera may activate the recording function of the camera when providing security within a court facility or when responding to a call for law enforcement assistance.

IT IS FURTHER ORDERED that court personnel provide notice and enforce this Order as follows:

1. The court will post a copy of this Order on the court's web site.
2. The court will post a warning sign regarding the conduct prohibited by this Order at every public entry point of facilities governed by this Order.
3. Assigned court staff or security officers who observe a person violating this Order will:
 - a. advise the person of the violation orally,
 - b. provide a written Photography and Video Recording Violation Warning in a form like the attached sample,
 - c. direct the person to immediately stop and delete the recording,
 - d. if the person does not comply, direct the person to leave the facility, and
 - e. if the person does not comply, call law enforcement.

Dated this 16th day of October, 2019.

ROBERT BRUTINEL
Chief Justice

SAMPLE

**PHOTOGRAPHY AND VIDEO RECORDING VIOLATION
WARNING**

1. Arizona Supreme Court Rule 122: Use of Recording Devices in a Courtroom, prohibits use of recording devices in a courtroom unless permission is given by the judge in advance.
2. Arizona Supreme Court Rule 122.1: Use of Portable Electronic Devices in a Courthouse, authorizes judges, clerks of court, and court administrators to “limit or terminate [recording] activity that is disruptive to court operations or that compromises courthouse security.”
3. Article VI, Section 3, of the Arizona Constitution authorizes the Chief Justice to establish court security policies and procedures.
4. Administrative Order No. 2019 - ____: Regulating Use of Photographic and Video Recording Devices in the Courthouse and Other Court Facilities But Not at a Court Proceeding, prohibits use of recording devices unless permission is given in advance.
5. You have been observed violating one or more of the above rules and orders governing photography, videotaping, and filming in a court facility, you are:
 - a. Directed to immediately stop and delete photographing and video recording.
 - b. If you refuse, you will be directed to immediately leave the court facility.
 - c. If you refuse, law enforcement will be called, and you may be arrested, may be held in contempt of court, and may be charged with criminal offenses including:
 - (1) A.R.S. §§ 13-1502 or -1503: Criminal Trespass
 - (2) A.R.S. § 13-2904(A)(1)-(4): Disorderly Conduct
 - (3) A.R.S. § 13-2921(A)(2)-(4): Harassment

Sample Recording Violation Warning